

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

STATE OF TENNESSEE, *ex rel.*)
ROBERT E. COOPER, JR.,)
ATTORNEY GENERAL & REPORTER,)

Plaintiff,)

v.)

OLUDARE SAMUEL OLOMOSHUA, a.k.a.)
DR. OLUDARE SAMUEL OLOMOSHUA,)
a.k.a. *SAM ADU*, a.k.a. *S. O. B. ADU*,)
individually and collectively doing business as)
WISDOMITE SPIRIPATHOLOGY)
HEALING MISSION AND MUSIC)
MINISTRY, INC., SPIRIPATHOLOGY)
SCHOOL OF MEDICINE, WISDOMITE)
HEALING MISSION and)
www.spiripathologyhealing.com, and)
WISDOMITE SPIRIPATHOLOGY)
HEALING MISSION AND MUSIC)
MINISTRY, INC., a domestic non-profit)
corporation doing business as WISDOMITE)
HEALING MISSION, SPIRIPATHOLOGY)
SCHOOL OF MEDICINE, and)
spiripathologyhealing.com,)
Defendants.)

No. 06C2912
Judge Barbara Haynes

MOTION TO ENFORCE ORDER GRANTING TEMPORARY INJUNCTION AGAINST
DEFENDANTS AND MOTION FOR EXPEDITED ENFORCEMENT HEARING

Pursuant to Tenn. R. Civ. P. 65.06 and Tenn. Code Ann. § 47-18-108(c), the State of Tennessee, by and through Robert E. Cooper, Jr., the Attorney General for the State of Tennessee, on behalf of the Tennessee Department of Health and the Division of Consumer

Affairs of the Department of Commerce and Insurance, moves this Court to enforce the Order Granting Temporary Injunction (hereinafter “Court’s Order”) issued by this Court on November 15, 2006 against all Defendants.

The State seeks civil penalties in the amount of \$2,000.00 per violation of each provision of the Court’s Order as authorized by Tenn. Code Ann. § 47-18-108(c), attorneys’ fees and costs pursuant to Tenn. Code Ann. § 47-10-108(b)(4), and any other relief that this Court shall deem appropriate as authorized under state law. (Affidavit of Brant Harrell attached as Exhibit A and Cynthia E. Kinser (Mills) attached as Exhibit B.)

The State is also seeking to an expedited hearing on this matter. The State would assert as grounds for expedited treatment the same public health and safety concerns raised in its first motion expressly incorporated herein by reference for expedited hearing filed on November 6, 2006.

As grounds for this Enforcement Motion, the State submits that in spite of the Court’s Order, the Defendants have only slightly altered their web site www.spiripathologyhealing.com and that virtually all of the prohibited representations remain online including on the previously undiscovered Defendants’ web site www.dsr2000.net. Defendants have removed some of the “products” and video that were brought to opposing counsel’s attention in the State’s argument at the Temporary Injunction Hearing from the web site www.spiripathologyhealing.com, but do not appear to have removed any other materials as required by the Temporary Injunction Order.

The following is a truncated, *non-exhaustive* list of the many violations of the Temporary Injunction Order:

- (1) On the *first* banner on the home page of the web site still states, “Perfect Cure to Cancer/HIV Guarantee.”

- (2) The Home Page still refers to Defendant Olomoshua as a M.D., Ph.D., still provides a link to those seeking treatment for twenty-two different diseases for a \$200 consultation fee, states “100% Perfect Healing to Cancer and HIV/AIDS Is Available Now,” has links to the registration page for the “School of Medicine,” and has links to his e-books including “Perfect Healing to Cancer & HIV/AIDS, With Modern Medicine of Our Time.”
- (4) The Defendants still advertise that they have the cure for HIV/AIDS by stating, “SPIRIPATHY EXPLOSION 3000 ANTI HIV/AIDS FOR PERFECT CURE FASTER THAN YOU EXPECTED: US\$900” on the web page www.spiripathologyhealing.com/Products.htm.
- (5) The Defendants still advertise that they have the cure for cancer by stating, Spiripathy Therapy 2003 NY Bronze Anti Cancer (That gives perfect cure or healing to all type of Cancer) on the web page.
- (6) The Defendants still represent that they have a “100% Money Back Guarantee” that does not apply for those who seek scientific verification that they have been cured on the web page www.spiripathologyhealing.com/Policy.htm.
- (7) The Defendants still do not clearly and conspicuously disclose the terms of their money back guarantee. The terms of the guarantee are found on the small link at the very bottom right-hand corner of the home page under the innocuously titled link “Policy.”

Printed versions of the web site as of 8:47 a.m. and 9:36 a.m. on November 17, 2006 are attached to Exhibit B, Affidavit of Cynthia E. Kinser (Mills).

Attached as Exhibit C to this Motion is the Affidavit of Heath Bennett which shows that the web sites are operational. Exhibit C contains a .pdf version of the web site that is currently operational. The first web site, www.spiripathologyhealing.com is registered to Oludare Olomoshua, Wisdomite Spiripathology Healing Mission, Inc., 1050 44th Ave. North, P.O. Box 90752, Nashville, Tennessee 37209-1529. The second web site, ww.dsr2000.net, is registered to Wisdomite Spiripathology Healing Mission, Inc., 1050 44th Ave. North, P.O. Box 90752, Nashville, Tennessee 37209. Attached as Exhibit D to this Motion is an Affidavit of Suzanne Linden regarding the registration of the web sites. Both web sites include photographs of

Defendant Oludare Samuel Olomoshua.

Defendants continue to violate the Tennessee Medical Practice Act, Tenn. Code Ann. § 63-6-101 *et seq.* as described in the Complaint, the State's Motion for Temporary Injunction and the accompanying Memorandum in Support of the State's Motion for Temporary Injunction, and this Court's Order of November 15, 2006.

Defendants also continue to violate the Tennessee Consumer Protection Act, Tenn. Code Ann. § 47-18-101 *et seq.* as described in the Complaint, the State's Motion for Temporary Injunction and the accompanying Memorandum in Support of the State's Motion for Temporary Injunction and this Court's Order of November 15, 2006.

In addition to violating basically all the injunctive provisions of the Court's Order by continuing operation of its web sites, Defendants have also failed to provide the required patient information to the Department of Health required by 4:00 p.m. on November 15, 2006 under paragraph 8, page 10 of the Court's Order. See Affidavit of Denise Moran, Tennessee Department of Health attached as Exhibit E to this Motion.

Defendants counsel was provided a copy of the Order at the conclusion of the hearing on November 15, 2006 and instructed by the Court to explain the Court's Order to Defendants. The Court's Order in paragraph 11 requires Defendants to provide notice of the Order to various parties on the day of entry of the Order.

Counsel for the State contacted Defendants' counsel by faxed letters dated November 16, 2006 advising him of the State's intention to seek enforcement of the order and asking for an

immediate response regarding when the Court's Order would be fully complied with. (See Collective Exhibit F). Counsel for the State also telephoned Defendants' counsel twice but no response has been received.

In addition, the State seeks for the Court to clarify its Order relating to providing an accounting of assets to the Court to indicate a date certain that information must be provided. The State would request that Defendants be ordered to provide all information required under paragraph 9, page 11 of the Court's Order by no later than 4:00 p.m. on the day of entry of any Order relating to enforcement of the Court's original Order.

The State requests that this Court use all authority and laws, regulations and rules to bring Defendants into compliance with the Court's Order and state law.

Respectfully submitted,

ROBERT E. COOPER, JR.
Attorney General & Reporter

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CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing Motion to Enforce the Order Granting Temporary Injunction Against Defendants, by placing a copy of the same in a properly addressed envelope with sufficient first-class postage, through certified mail, return receipt requested, and also by facsimile where available, to:

Jefre Scot Goldtrap
176 Second Avenue North, Suite 500
Post Office Box 190599
Nashville, TN 37219-0599

on this _____ day of November, 2006.

BRANT HARRELL
Assistant Attorney General